

R E M A R K S

Claims 1-16 are pending. Claims 9-15 have been withdrawn. Accordingly, claims 1-8 and 16 are at issue.

The election of Group 1, claims 1-8, is affirmed. In this regard, it is noted that claim 16 is pending in the application, but was not recognized in the office action. Accordingly, the status of claim 16 is indeterminate at this time. However, it is noted that claim 16 is drawn to a method, similar to the withdrawn claims 9-15.

Applicants have submitted herewith one sheet of formal drawings showing Figs. 1-2 with the corrections required in the office action. Accordingly, the objection to the drawing should be withdrawn.

Claims 1 and 5 have been amended to overcome the rejection of claims 1-8 under §112. Specifically, the claims have been amended to clarify that one of the baffles is located between said one tube slot (or weep hole) and the adjacent tube slot on one side of the one tube slot (or weep hole) and the other baffle is located between the one tube slot (or weep hole) and the adjacent tube slot on the other side of the one tube slot (or weep hole). It is believed that the amendment to claim 1 should clarify the claim with respect to the rejection to claim 2. Accordingly, it is believed that the rejections have been addressed and should be withdrawn.

Applicants respectfully traverse the rejection of claims 1-8 as allegedly anticipated by Marsais 6,394,176. The rejection is based upon a mischaracterization of the reference and/or the claim language. Specifically, claim 1 recites "one tube slot in each header being unoccupied by one of said flattened tubes", but the rejection attempts to read Marsais on this recited structure by characterizing the tube (12i) as occupying one of the tube slots and that it is not "any one of the flattened tubes (12a,12b)". Thus, the office action is attempting to characterize the tube 12i as somehow being different than the other tubes 12a,12b of Marsais, when in fact what is claimed in the present application is that there are no tubes in the one tube slot recited in claim one. While it is respectfully submitted that this is abundantly clear from the claim language as it was originally filed, especially in view of the specification and drawings, claim 1 has been amended to delete the phrase "by one of said flattened tubes" from the phrase "one tube slot in each header being unoccupied by one of said flattened tubes." Under no characterization can it fairly be asserted that Marsais discloses a tube slot that is unoccupied as recited in amended claim 1. Accordingly, the rejection of claims 1-4 should be withdrawn.

With respect to the same rejection of claim 5, the office action attempts to characterize two separate fins as being one fin of twice the height to show the recitation in claim 5 of "a second serpentine fin of a second fin

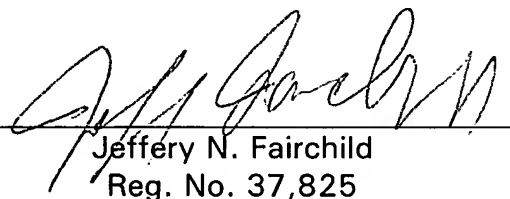
height greater than said first fin height extending between tubes in said adjacent tube slots on said one side and in said adjacent tube slots on said opposite side. This is a clear mischaracterization of Marsais or misreading of the language in claim 5. Marsais clearly shows two fins, not one, as recited in claim 5, let alone a single fin having a fin height equal to about twice the first fin height plus the minor dimension of one of the tubes, as recited in claim 6. Accordingly, Marsais simply does not anticipate the structure recited in claim 5. Accordingly, the rejection of claims 5-8 is improper and should be withdrawn.

In view of the foregoing, applicants respectfully request reconsideration of the objections to the drawings and the rejections of claims 1-8.

Respectfully submitted,

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